

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAHLSTEN TRUCK LINE, INC. and
GREAT WEST CASUALTY COMPANY,

Plaintiffs,

vs.

T.J. MARQUART & SONS, INC.,

Defendant.

8:14CV54

ORDER

This matter is before the court on the defendant's, T.J. Marquart & Sons, Inc. (Marquart), Motion to Quash Subpoenas and for Entry of a Protective Order (Filing No. 50). Marquart seeks to prevent the plaintiffs from deposing three non-party witnesses before the court resolves Marquart's summary judgment motion (Filing No. 24). **See** Filing No. 50 - Motion. On May 18, 2015, the court entered a Memorandum and Order granting, in part, Marquart's summary judgment motion. **See** Filing No. 53 - Memorandum and Order. The court dismissed the plaintiffs' breach of contract claim but determined Marquart did not show there are no genuine issues of material fact or that it was entitled to judgment as a matter of law on the plaintiffs' Carmack Amendment claim. *Id.* Beyond contending the depositions should not occur until the court ruled on Marquart's summary judgment motion, Marquart has not otherwise opposed the subpoenas. Accordingly, in light of the court's ruling on the summary judgment motion, Marquart's motion to quash is moot.

IT IS ORDERED:

Marquart's Motion to Quash Subpoenas and for Entry of a Protective Order (Filing No. 50) is denied as moot.

Dated this 1st day of June, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge